REMARKS

In the Office Action, Claims 1 to 13 and 15 to 20 were rejected under 35 U.S.C. § 103(a) over U.S. Publication No. 2001/0020943 (Hijiri) in view of U.S. Patent No. 6,336,143 (Diedrich). The rejections are respectfully traversed and it is requested that the Examiner reconsider and withdraw the rejections in light of the following comments.

The invention as claimed manages requests of different classes when, for example, downloading multimedia data from a server to a browser. According to the claims, at least one request of at least a first class of requests is enabled taking account of multimedia data received from at least a second class of requests, where the requests of the second class are predictable in time. A priority is then dynamically allocated to each of the enabled requests in accordance with characteristics of the enabled requests, and a priority is also dynamically allocated to each of the enabled requests of the second class in accordance with the time remaining until the next request of the second class.

Referring specifically to the claims, Claim 1 is directed to a method of managing requests in at least two distinct classes, relating to multimedia data, exchanged by a communication apparatus and at least one data source connected through a communication network, the method performed at the communication apparatus and comprising, a processor performing the steps of enabling at least one request of at least a first class of requests, the enabling taking account of the multimedia data received from at least a second class of requests, the requests of the second class being predictable in time, dynamically allocating a priority to each of the enabled requests, in accordance with characteristics of the enabled requests, and dynamically allocating a priority to each of the

enabled requests of the second class in accordance with the time remaining until the next request of the second class.

Claim 7 is an apparatus claim that substantially corresponds to Claim 1.

The applied art, alone or in any permissible combination, is not seen to disclose or to suggest the features of Claims 1 and 7, and in particular, is not seen to disclose or to suggest at least the features of i) dynamically allocating a priority to each of the enabled requests, in accordance with characteristics of the enabled requests, and ii) dynamically allocating a priority to each of the enabled requests of the second class in accordance with the time remaining until the next request of the second class.

The Office Action admits that Hijiri fails to teach the foregoing second and third steps of Claim 1. As for the first (enabling) step, the Office Action cites to paragraphs [0045], [0049] and [0060] of Hijiri as allegedly teaching the claimed step. However, Applicant fails to see what in these cited paragraphs could be interpreted as disclosing the first step. In this regard, paragraph [0045] relates to viewing of the data by a user in a case where the animation data is streamed and in a case where the animation data is not streamed. Paragraph [0049] is directed to the structure of the data section of the stream, which is composed of DAT packets and DES packets. Paragraph [0060] is directed to the allocation of priorities to computer graphics (CG) objects. Thus, Applicant fails to see what, if anything, in these paragraphs teaches the step of "enabling at least one request of at least a first class of requests, the enabling taking account of the multimedia data received from at least a second class of requests, the requests of the second class being predictable in time." Thus, the assertion that Hijiri teaches this step is traversed.

As for the last two steps of Claim 1, the Office Action now cites Diedrich, but Applicant disagrees that Diedrich teaches these two steps. As Applicant understands Diedrich, it teaches a method and apparatus for efficient multimedia data interchange which utilizes multimedia pacing in a distributed data processing system. During a multimedia communications session, each of a plurality of receiving stations transmits multimedia pacing requests to a sending station at negotiated set time intervals. The multimedia pacing request includes information on the availability of current storage for multimedia data at the receiving station, a minimum data time remaining in storage in the receiving station and other information pertaining to the interchange of multimedia data. The sending station then allocates various priorities to the transmission of data to the plurality of receiving stations in an order indicative of the type of data (i.e., multimedia or non-multimedia) and the information in the multimedia packing request pertaining to the minimum data time remaining in storage at the receiving station. In addition, the sending station periodically determines the availability of the transmission queue. When the transmission queue is not readily available, the sending station transfers only high priority multimedia data to the transmission queue; however when the transmission queue is available, the sending station transfers lower priority multimedia data to the transmission queue as well. The sending station can then supply a plurality of receiving stations with significant multimedia data in advance when the communications interface is not overloaded.

The Office Action appears to allege that the last two steps of the claims are taught by Diedrich, and Applicant assumes that the Office Action is comparing the claimed

communication apparatus and the at least one data source to the receiving station and the sending station of Diedrich. However, in Diedrich, the sending station allocates various priorities to the transmission of data to the plurality of receiving stations in an order indicative of the type of data (i.e., multimedia or non-multimedia) and the information in the multimedia pacing request pertaining tot he minimum data time remaining in storage at the receiving station. In the present claims, unlike in Diedrich, priorities are allocated to enabled requests and not to the transmission of data. Furthermore, the priority allocation is performed in the communication apparatus (i.e., in the receiving station) while in Diedrich, the priority allocation is performed in the sending station.

The foregoing differences are made even more evident by the fact that the problems addressed by Diedrich and the present invention are totally different. In this regard, Diedrich addresses the problem of controlling, by a sending station, the flow rate (pacing) of multimedia data sent by the sending station to a plurality of receiving staions. On the contrary, the present claims manage the requests in various classes and generate new pre-fetching requests during the execution of an application and according to the behavior of the user. (See, e.g., page 4, lines 12-15 of specification). Thus, the problem addressed by Diedrich is wholly different from that of the present invention and those skilled in the art would not have considered combining the teachings of Diedrich and Hijiri since Diedrich teaches away from the claimed invention.

In view of the foregoing deficiencies of the applied art, independent Claims 1 and 7, as well as the claims dependent therefrom, are believed to be allowable.

No other matters having been raised, the entire application is believe to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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